

ESTABLISHING THE SAN JUAN ISLAND NATIONAL HISTORICAL PARK IN THE STATE OF WASHINGTON, AND FOR OTHER PURPOSES

JULY 26, 1965.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 489]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 489) authorizing the establishment of the Pig War National Historical Park in the State of Washington, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

PURPOSE

S. 489 contemplates the establishment of an approximately 1,800-acre national historical park on San Juan Island in the State of Washington. The proposed park would include two historic sites—termed the “American camp” and the “English camp”—the boundaries of which are generally described in the publication entitled “San Juan Island National Historical Park: A Proposal” prepared by the western regional office of the National Park Service, Department of the Interior, 1964 and now on file with the committee.

HISTORICAL SIGNIFICANCE

The colorful “affair of the pig,” arising directly from the protracted and bitter quarrel between Great Britain and the United States as to the sovereignty of the Oregon territory, brought the two great powers briefly to the brink of war in 1859. For 13 years the two nations maintained armed forces in the disputed San Juan archipelago, and the question of sovereignty was resolved only by the Treaty of Washington in 1871 and the final arbitration of the question by the German Emperor in 1872. Then, for the first time in the history of

the United States, the Republic had no boundary dispute with Great Britain.

In assessing the Treaty of Washington, Thomas A. Bailey has written:

We may conclude that it was the greatest triumph for arbitral methods that the world had yet witnessed. It provided for four significant arbitrations, three of them of major importance [Bailey includes the San Juan question among the important ones]. It was one of those periodic purgations that dispelled every serious cloud in Anglo-American relations. It was not only [Hamilton] Fish's greatest diplomatic success, but it was also the most substantial accomplishment of 8 long years of Grantism—an oasis of achievement in the desert of scandal.

Allan Nevins has called the Treaty of Washington an event of cardinal importance in the history of the relations of the two English-speaking powers.

The splendid physical remains of the American and English camps on San Juan Island thus appear to be the one site from which the larger stories of "54-40 or fight," the incident of the Pig War, and the important Treaty of Washington can be told.

COMMITTEE AMENDMENTS

The first committee amendment changes the name of the proposed park to the San Juan Island National Historical Park. Professional Pacific Northwest historical opinion holds that the name of San Juan Island National Historical Park better denominates this proposed unit in the national park system which specifically commemorates and illustrates such broad phases of American history as the Oregon question, the Treaty of 1846, the Pig War incident, and the important Treaty of Washington so well symbolized by the San Juan Island sites.

The committee concurs with the Department of the Interior's recommended technical amendment to conform the language of section 3 of the bill with the comparable language of the Historic Sites, Buildings, and Antiquities Act.

Finally, the committee increased the existing authorization of funds that may be appropriated for the acquisition of lands and interest therein for the proposed park to \$2,198,021. This amendment is intended to allow the National Park Service to acquire the 1,800 acres for the American and English camps, including the purchase of 115 acres of land from the State of Washington with the State's consent. This amount will also allow the National Park Service to acquire approximately 80 chains of tidelands contiguous to the park. The increased amount will further allow the National Park Service to acquire approximately 14 miles of right-of-way for a park road connecting the American and English camps. The right-of-way may vary in width but may not average more than 25 acres per mile in fee simple. In accordance with the provisions of section 1 of S. 489, the Secretary of the Interior may acquire lands or interests therein owned by the county of San Juan only with the consent of the owner.

LAND ACQUISITION COST

The committee expects the Secretary of the Interior to keep it fully advised of land-acquisition cost changes for the acreage authorized in S. 489. The committee fully appreciates that the existing authorization is based on a calendar year 1965 estimate.

DEVELOPMENT AND ANNUAL OPERATING COSTS

The committee looks forward to receiving timely advice from the Secretary of the Interior as to the development and annual maintenance costs for the park road authorized in S. 489.

COOPERATION WITH SAN JUAN COUNTY

In order to minimize any difficulties the county might conceivably sustain during the initial development period of the proposed park, the committee anticipates that the National Park Service will extend every effort and make all appropriate arrangements to assist the county during this transition period.

DEVELOPMENT OF MARINE RECREATIONAL FACILITIES

In view of the unusually large number of visitors expected to travel to the park by means of private boats, the committee recommends that the Park Service pay especial attention to the quality and suitability of marine recreational facilities provided in the park. The committee particularly invites the Park Service's attention to such marine facilities as those developed by the Washington State Park System and also to those in marine parks in the Province of British Columbia, Canada.

COOPERATION WITH CANADA

The full historical and recreational potential of the park will be realized only if representatives of interested Canadian groups participate as fully as possible in the planning and operation of the proposed park. It was with this fact in mind that the committee invited Dr. Willard G. Ireland, archivist of British Columbia, to testify at its formal field hearing in Friday Harbor on April 17, 1965.

DEPARTMENTAL REPORTS

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 13, 1965.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the committee's request for the views of the Bureau of the Budget on S. 489, a bill to authorize the establishment of the Pig War National Historical Park in the State of Washington, and for other purposes.

The report which the Secretary of the Interior is submitting describes in some detail the physical and historical character of this site and recommends enactment if amended.

The Bureau of the Budget would have no objection to the enactment of S.489, amended as suggested by the Secretary of the Interior.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 14, 1965.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: Your committee has requested the views of this Department on S. 489, a bill to authorize the establishment of the Pig War National Historical Park in the State of Washington, and for other purposes.

We recommend that the bill be enacted, amended as suggested herein.

The bill authorizes the Secretary of the Interior to acquire such lands and interests in lands as he may deem necessary for the purpose of interpreting and preserving the sites of the American and English Camps on San Juan Island, in Puget Sound, Wash., which were associated with the final settlement of the Oregon territory boundary dispute, including the so-called Pig War of 1859.

The bill provides that land so acquired shall be known as the Pig War National Historical Park and shall commemorate the final settlement by arbitration of the Oregon boundary dispute and the peaceful relationship which has existed between the United States and Canada for generations. The Secretary will administer, protect, and develop the park in accordance with the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

The Secretary is authorized to enter into cooperative agreements with the State of Washington, its political subdivisions, corporations, associations, or individuals for the preservation of the historic sites and structures and for the interpretation of the historical events which occurred on San Juan Island and on the nearby mainland. The Secretary is also authorized to erect and maintain markers at appropriate sites in accordance with the act of August 21, 1935, *supra*.

The physical remains of the American and British garrison camps on San Juan Island are the logical sites for presentation of certain important episodes in American diplomatic history.

The Oregon Treaty of June 15, 1846, settled part of the international boundary question, but the conflict concerning the water boundary between Vancouver Island, Canada, and the Oregon Territory of the United States continued. This was due largely to the fact that the geographical knowledge available to the treaty-making parties and the subsequently appointed boundary commission was inaccurate or incomplete. As a result the status of several islands, the most important of which was San Juan, lying between the continental United States and Vancouver Island, was left uncertain.

From 1853 to 1859, there were various disputes on San Juan Island involving the Hudson's Bay Co., Canadian citizens, and citizens of

the United States, all of them having had property or claims on the island. The situation reached a climax in 1859 in an absurd incident. One of the 29 American settlers on the island, a Mr Cutler, shot and killed a hog that belonged to a Hudson's Bay Co. officer because it was rooting in his garden. When Canadian authorities from Victoria attempted to arrest Mr. Cutler for shooting the hog, American citizens drew up a memorial requesting U.S. military protection against British warships and the ground forces who threatened to make the arrest and seize San Juan Island.

A company of the 9th U.S. Infantry, under the command of George E. Pickett (later of Civil War fame) was sent to the island. A British man-of-war appeared on the scene and assumed a threatening posture. Reinforcements with cannon were dispatched to the aid of Pickett. In the worsening situation, Gen. Winfield Scott went to the scene and met British Admiral Bayne. In 1860, the two men reached an agreement to prevent hostilities until the issue could be negotiated. Under this agreement 100 men of the British Royal Marine Light Infantry landed on the island, raised the British flag, and built a blockhouse and quarters. A few miles south of them 100 American soldiers raised the American flag, built barracks, and remained as a garrison.

The Treaty of Washington in 1871 finally paved the way for the settlement of the controversy. It referred the issue to the German Emperor for arbitration, who placed the San Juan archipelago within the possessions of the United States. The British troops withdrew immediately and peaceably from the island. Then, for the first time in the history of the United States, the republic had no boundary dispute with Great Britain.

Historian Thomas A. Bailey, in assessing the Treaty of Washington, has stated that "it was the greatest triumph for arbitral methods that the world had yet witnessed." Allen Nevins, also a historian, points to the treaty as "an event of cardinal importance in the history of the relations of the two English-speaking powers."

The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, in September 1961, evaluated the historical significance of San Juan Island—especially the locations of the American and English campsites. In recommending the island for registered national historic landmark status, the Board commented that it was the focal area in the final settlement of the Oregon boundary question. The island was accorded registered national historic landmark status by this Department on November 5, 1961, for the reason that it possessed exceptional value in illustrating and commemorating the history of the United States.

At its 50th meeting in April 1964, the Board made a further evaluation of the area in the light of the historical and feasibility studies which had then been conducted by the National Park Service of this Department. Based on the further review, the Board recommended that a national historical park be established to commemorate and illustrate this phase of American history.

The physical remains of the English camp include an English blockhouse, which is a small log structure with an overhanging upper story set diagonally across the lower room. Also, there are two one-story frame barracks and commissary buildings, and the ruins and foundations of several other buildings. Some of these, as well as the

grounds, will be restored and preserved. At the American camp there are no buildings, but there are earthworks which once sheltered gun platforms and heavy cannon. Here, the grounds will be defined and restored, but no structures rebuilt. We believe that a minimum of approximately 1,800 acres of land are needed to protect these features and to provide interpretive facilities.

We understand that the State of Washington has acquired a portion of the land needed for proper preservation of the English camp, subject to the reservation by the former owner of a life interest. The former owner of this land is 91 years old and has a great interest in seeing the property preserved and interpreted for public benefit. We believe that it is desirable to permit him to spend the remaining years of his life on this land which the bill allows by authorizing the Secretary to acquire an interest in the land.

The bill limits the amount that may be expended for the acquisition of lands and interests in lands to \$1,650,000. We estimate that acquisition of 1,800 acres will cost approximately that amount, which includes \$123,000 for 115 acres owned by the State of Washington. Development costs are expected to be approximately \$1,490,000 during the first 5 years. Annual operating costs will range from about \$50,000 in the first year to \$93,000 in the fifth year. The man-years and cost data statement required by the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), is enclosed.

As a technical amendment, and in order to conform the language of section 3 of the bill with the comparable language of the Historic Sites, Buildings, and Antiquities Act, we recommend that on page 2, line 21, the words "nationally significant" be inserted after the word "of".

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.
Under Secretary of the Interior.

Enclosure.

Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs

Estimated additional man-years of civilian employment	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Executive direction:					
Superintendent.....	1.0	1.0	1.0	1.0	1.0
Administrative assistant.....	1.0	1.0	1.0	1.0	1.0
Total, executive direction.....	2.0	2.0	2.0	2.0	2.0
Substantive:					
Historian.....	1.0	1.0	1.0	1.0	1.0
Park ranger.....	1.0	1.0	1.0	1.0	1.0
Maintenance foreman.....	1.0	1.0	1.0	1.0	1.0
Caretaker.....	1.0	1.0	1.0	1.0	1.0
Historian (seasonal).....	.4	.4	.8	1.2	1.2
Ranger (seasonal).....	.4	.4	.4	.8	.8
Clerk-typist (seasonal).....	.4	.4	.4	.4	.4
Maintenance man (seasonal).....	.5	.5	.5	.5	.5
Caretaker (seasonal).....	.5	.5	.5	.5	.5
Laborer (seasonal).....	.4	.4	.4	.4	.4
Total, substantive.....	2.4	5.7	7.0	7.8	7.8
Total, estimated additional man-years of civilian employment.....	4.4	7.7	9.0	9.8	9.8
Estimated additional expenditures:					
Personal services.....	\$32,315	\$56,275	\$64,200	\$67,650	\$70,590
All other.....	1,017,900	1,275,800	722,300	161,800	73,800
Total.....	1,050,215	1,332,075	786,500	229,450	144,390
Estimated additional obligations:					
Land and property acquisition.....	1,000,000	650,000	-----	-----	-----
Development.....	625,500	585,500	182,500	46,000	51,500
Operations (management, protection and maintenance).....	50,215	82,075	86,500	89,950	92,890
Total.....	1,675,715	1,317,575	269,000	135,950	144,390

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., July 14, 1965.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to supply the following information on the proposed Pig War National Historical Park in response to your inquiry of July 13. Specifically, you asked for (1) the extent of tideland acreage contiguous to the proposed park in State and private ownership and the status of such public tidelands under the laws of Washington, (2) the value of tidelands in private ownership, and (3) information on any increase in land costs of the property to be acquired under S. 489.

Our regional office advised that in securing the data on tidelands ownership, they found that records are maintained on a chain basis rather than acres, in which one chain represents 66 lineal feet of frontage. To convert this measure to acres would require engineering surveys. Accordingly, we have utilized the legal description of chains

for determining extent of tidelands as is customary in the State of Washington. The ownership was found as follows:

[In chains]

	State owned	Privately owned
American camp.....	160.28	74.0
English camp.....	140.38	6.21
Total.....	300.66	80.21

The American camp private tidelands are divided among 16 owner-ships, 11 of which have lands adjacent to the tidelands. The other five are recorded to persons not owning riparian lands. The English camp private tidelands are in one ownership.

Our regional office has requested a copy of State regulations pertaining to the status of recreational uses of public tidelands under State laws. We have not had an opportunity to peruse this document to ascertain how these permissible uses may conflict with the purpose of the establishment of the park. However, as they may affect the administration of the proposed area, we have been advised that the regulations provide, in part, for:

1. Hunting and fishing in conformance with State laws.
2. The construction of improvements upon approval of lease application. Corps of Engineers approval is also required for structures extending into the water.
3. Issuance of permits for the removal of sand and gravel.

Although Service policy would encourage the continued recreational use of the tidelands, all but recreational fishing of the above listed uses would be incompatible with the purpose of the proposed park. We believe that a cooperative agreement with the State would be possible to eliminate or restrict these uses in which case it would not be necessary to acquire the State tidelands. A preferable arrangement from the standpoint of administering the park would be for these tidelands to be in Federal ownership.

We have reviewed our land acquisition cost estimates previously submitted to the committee and find that adjustments are necessary to reflect previously unknown tidelands in private ownership, and increase in land values since date of appraisal, and in the amount programmed for contingencies.

Tidelands are valued at \$100 per lineal chain of frontage or \$1.51 per foot. Total value of privately owned tidelands is estimated to be \$8,021.

Mr. Hal Arnason, Bellingham, Wash., made the original appraisal of property at the Pig War sites and submitted his estimates in March 1964. Based on our experiences, provision was made in the original budget submitted for an increase in land values of 10 percent for the calendar year 1964. To reflect current increases, an additional 10 percent should be added for the calendar year 1965. This amounts to \$127,215.

Upon the advice of Mr. Arnason we have increased the contingency estimate from 15 to 20 percent. Due to the accelerated subdivision activity in the area since the appraisal, and the possibility of continued

subdivision and developments, Mr. Arnason suggested increasing the contingency amount to provide for the many unknown factors that arise between the time of appraisal and acquisition. This increase amounts to \$96,128.

Based on a complete review of our previous estimate and a refinement of data that will permit minor deductions, it appears that an increase of \$215,000 will be required to accomplish the desired objective during this calendar year. Without including funds for the purchase of State-owned tidelands, the total estimated land acquisition costs would therefore be increased to \$1,865,000. Projecting these costs into future years with consideration of average increases in land values, at 10 percent per annum upon advice of Appraiser Aranson, we estimate that the fair market value of the same lands will advance to \$2,045,000 in 1966, and then advance to \$2,265,000 in calendar year 1967.

We hope the above information will provide the committee with the information they require to consider this proposal.

Sincerely yours,

THEODOR R. SWEM,
Assistant Director.

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